

HOUSE BILL REPORT

HB 1051

As Passed House:

February 3, 1995

Title: An act relating to contempt of court.

Brief Description: Authorizing certain court commissioners to impose sanctions for contempt of court.

Sponsors: Representatives Padden and Costa.

Brief History:

Committee Activity:

Law & Justice: 1/17/95, 1/24/95 [DP].

Floor Activity:

Passed House: 2/3/95.

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass. Signed by 15 members: Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith and Veloria.

Staff: Edie Adams (786-7180).

Background: Contempt of court is any intentional: (1) disorderly conduct towards a judge while holding court which tends to impair the court's authority or interrupt the due course of a judicial proceeding; (2) disobedience of any lawful judgment, decree, order, or process of the court; (3) refusal as a witness to appear, be sworn, or answer a question without lawful authority; or (4) refusal, without lawful authority, to produce a record, document, or other object.

Sanctions imposed for contempt of court are remedial if imposed to coerce performance with a court order and punitive if imposed to punish a past contempt of court. The court may initiate a proceeding to impose a remedial sanction on its own motion or on the motion of a person aggrieved by a contempt of court. After notice and hearing, the court may impose the following remedial sanctions: (1) imprisonment; (2) a forfeiture not to exceed \$2,000 for each day the contempt

continues; (3) an order designed to ensure compliance; or (4) any other remedial order if the above sanctions are ineffective.

An action to impose a punitive sanction for a contempt of court shall be filed by a prosecuting attorney or city attorney on his or her own initiative or at the request of an aggrieved person or a judge. After a hearing, the court may impose a punitive sanction of either a fine of not more than \$5,000 or imprisonment in the county jail for not more than one year, or both.

The Washington Constitution authorizes superior court judges to appoint not more than three court commissioners in each county. Superior court commissioners must be citizens of the United States and may have the same powers of the superior court judge in specified matters, including probate, temporary restraining orders and injunctions, adoption, corporate dissolution, commitment of persons to mental institutions, and ex parte or uncontested civil proceedings.

District and municipal court commissioners must either be admitted to the practice of law in Washington or have passed the qualifying examination for lay judges. District court commissioners have the same powers that the appointing judges possess and prescribe.

A judge or commissioner of the supreme court, court of appeals, and superior court, and a judge of a court of limited jurisdiction may impose sanctions for a contempt of court. Commissioners of district and municipal courts (courts of limited jurisdiction) may not impose sanctions for a contempt of court.

Summary of Bill: A commissioner of a court of limited jurisdiction who is a lawyer admitted to the practice of law in Washington may impose sanctions for a contempt of court.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: None.

Testimony Against: None.

Testified: None.